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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,412	10/20/2003	Anthony Dimicelli	1216.01	2545
29637	7590	07/06/2005		
BUSKOP LAW GROUP, P.C. 1776 YORKTOWN SUITE 550 HOUSTON, TX 77056			EXAMINER PHAM, MINH CHAU THI	
			ART UNIT 1724	PAPER NUMBER

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,412

Applicant(s)

DIMICELLI, ANTHONY

Examiner

Minh-Chau T. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor, Sr. (6,716,267 B2), in view of Kubokawa et al (6,740,137 B2).

Lawlor, Sr. discloses an apparatus for air filtration comprising a filter assembly (22) having an outer frame (38) and an inner frame (28) wherein the inner frame (28) is slidable in and out of the outer frame (38) and the filter frame can be adjusted or expanded in length or width (col. 2, line 67 through col. 3, line 7) to fit at various positions and orientations within an enclosure (see Abstract, Figs. 3 & 4, col. 2, lines 40-43). Claims 1-22 differ from the disclosure of Lawlor, Sr. in that the filter assembly has an expandable pleated filter media wherein the pleated media is bonded to an expandable mesh at the face of the pleated media. Kubokawa et al disclose a filter assembly having an expandable pleated filter media (4) wherein the pleated media (4) is bonded to an expandable mesh (8) at the face (18) of the pleated media (see details in Figs. 2 & 3). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a reversibly collapsible and expandable pleated air filter as taught by Kubokawa et al in the filter assembly of Lawlor, Sr. so that the filter can be collapsed or expanded to fit into various positions and orientations within an enclosure.

Response to Amendment

Applicant's arguments filed on April 28, 2005 have been fully considered but they are not persuasive.

Applicant argues that both the cited references Clayton and Kubokawa do not disclose "an air filtration apparatus that is expandable to fit various air duct sizes including two frames, an inner and outer, and the inner frame slides into the outer frame to allow the apparatus to have a variable width in order to fit into air ducts of various sizes". The Examiner now drops the Clayton reference and newly introduces Lawlor, Sr. as the primary reference in combination with the Kubokawa reference in the 103 rejection to show an apparatus for air filtration comprising a filter assembly (22) having an outer frame (38) and an inner frame (28) wherein the inner frame (28) is slidable in and out of the outer frame (38) and the filter frame can be adjusted or expanded in length or width (col. 2, line 67 through col. 3, line 7) to fit at various positions and orientations within an enclosure (see Abstract, Figs. 3 & 4, col. 2, lines 40-43), as claimed. Claims 1-22 differ from the disclosure of Lawlor, Sr. in that the filter assembly has an expandable pleated filter media wherein the pleated media is bonded to an expandable mesh at the face of the pleated media. Kubokawa et al disclose a filter assembly having an expandable pleated filter media (4) wherein the pleated media (4) is bonded to an expandable mesh (8) at the face (18) of the pleated media (see details in Figs. 2 & 3). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a reversibly collapsible and expandable pleated air filter as taught by Kubokawa et al in the filter assembly of Lawlor, Sr. so that

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the filter can be collapsed or expanded to fit into various positions and orientations within an enclosure.

Applicant's arguments with respect to claims 1-22 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
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July 1, 2005